

**REMARKS**

**I. Introduction**

In response to the Office Action dated December 12, 2007, Applicants have amended claim 1 to further clarify the subject matter of the present disclosure. In addition, new claims 21-23 have been added. No new matter has been added.

For the reasons set forth below, Applicants respectfully submit that all pending claims are patentable over the cited prior art references.

**II. The Rejection Of Claims 1-3 and 5 Under 35 U.S.C. § 102**

Claims 1-3 and 5 are rejected under 35 U.S.C. § 102(b) as being anticipated by Thum & Lorenz (Centre of Darmstadt College of Higher Education, pp. 667-673, Vol. 84, No. 26, English Translation). Applicants respectfully submit that Thum & Lorenz fails to anticipate the pending claims for at least the following reasons.

With regard to the present invention, claim 1 recites a magnesium-based alloy screw having a head portion and a thread portion, wherein the screw is formed from a drawn wire made of a magnesium-based alloy, and the tensile strength of the screw is 220 MPa or higher.

One embodiment of the present disclosure teaches a wire that is formed into a screw by drawing a magnesium-based alloy having a tensile strength of 220 MPa or higher. As a result of this feature, a screw having excellent tensile characteristics can be formed, even at temperatures lower than the usual temperature at which magnesium-alloys are worked with (for example, as recited in new dependent claims 22 and 23).

In contrast to amended claim 1 of the present disclosure, Thum and Lorenz fails to disclose a screw formed from a drawn wire made of a made from a magnesium based alloy. Rather, as can be seen in Fig. 1, Thum & Lorenz merely discloses a threaded fastener made of magnesium-based alloy that is machined to the desired size. Thus, it is clear that Thum & Lorenz fail to disclose that the screw is formed by drawing magnesium-based alloy from a wire. As such, Thum & Lorenz fails to disclose each and every element of claim 1.

Anticipation under 35 U.S.C. § 102 requires that each and every element of the claim be disclosed, either expressly or inherently in a prior art reference, *Akzo N.V. v. U.S. Int'l Trade Commission*, 808 F.2d 1471 (Fed. Cir. 1986). As Thum and Lorenz does not disclose a magnesium-based alloy screw having a head portion and a thread portion, wherein the screw is formed from a drawn wire made of a magnesium-based alloy, and the tensile strength of the screw is 220 MPa or higher, it is apparent that Thum and Lorenz fails to anticipate claim 1 or any dependent claims thereon. Accordingly, the Applicants respectfully request that the § 102 rejection be traversed.

**III. All Dependent Claims Are Allowable Because The Independent Claim From Which They Depend Is Allowable**

Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as claim 1 is patentable for the reasons set forth above, it is respectfully submitted that all pending dependent claims are also in condition for allowance.

Moreover, as new claims 21-23 are dependent upon claim 1, and as claim 1 is allowable for the reasons set forth above, Applicants submit that new claims 21-23 are allowable over the cited prior art.

**IV. Conclusion**

Having responded to all open issues set forth in the Office Action, it is respectfully submitted that all claims are in condition for allowance.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Nathaniel D. McQueen  
Registration No. 53,308

600 13<sup>th</sup> Street, N.W.  
Washington, DC 20005-3096  
Phone: 202.756.8000 NDM:MWE  
Facsimile: 202.756.8087  
**Date: March 12, 2008**

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